

**TOWN OF FAIRFIELD  
HARBOR MANAGEMENT COMMISSION  
MEETING MINUTES OF JUNE 19, 2012**

A meeting of the Harbor Management Commission (HMC) was held on June 19, 2012 at 4:30 p.m. in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

**MEMBERS PRESENT:** Mary von Conta, Chairman; Louis Schueler; Hugh Smith; Nelson North; Norman Marsilius; James Harman; Benjamin Baker; Sandye Mann; and John Zygmant. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Thomas J. Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Jeff Engborg, Pequot Yacht Club; Steve Kellogg, CCA, LLC; Richard Chandler, CCA, LLC; Ken Money; Exide Group Incorporated; John Fallon, Attorney representing Exide Group Incorporated; Sandy Wakeman; Shellfish Commission; David Thornton, Shellfish Commission; and Kathy Raynor-Catropa, Shellfish Commission..

The meeting was called to order at 4:30 p.m. by Chairman von Conta.

**I. APPROVAL OF MINUTES OF MAY 15, 2012 MEETING:**

Hugh Smith *moved* and Nelson North *seconded* to approve the meeting minutes of May 15, 2012. *Motion passed unanimously.*

**II. CORRESPONDENCE:**

Chairman von Conta reported the following correspondence:

Two letters from Harbor Master Carroll to Mr. Paul Hiller enclosing checks received for payment of boaters' permit fees, mooring maintenance charges and a 2012 Mooring Waiting List application fee as follows:

May 29, 2012: Checks/cash in the amount of \$755.00; \$350.00 for mooring permit fees, \$355.00 for mooring maintenance charges and \$50.00 for a 2012 Mooring Waiting List application (Bailey-#98)

June 11, 2012: Checks in the amount of \$645.00: \$450.00 for mooring permit fees and \$195.00 for mooring maintenance charges.

May 24, 2012: From Harbor Master Carroll to Mr. Conrad Bailey, 900 Burr Street, Fairfield, CT 06824 acknowledging receipt of his 2012 Mooring Waiting List application and check for \$50.00. (#98 on the list).

June 2, 2012: From Harbor Master Carroll to Mr. Paul Hiller requesting that Mr. Hiller issue a check to Derby Anderson, 228 Main Street, Southport, CT 06890 refunding Mr. Anderson's payment of a \$100.00 mooring permit fee and \$160.00 mooring maintenance charge. Mr. Anderson is vacating his mooring in Southport Harbor and accepting a berth at the South Benson Marina. His vacated mooring has been assigned to the next eligible boater on the Mooring Waiting List.

Early in June, 2012: Copies of the Fairfield Shellfish Commission's Meeting Agenda for June 13, 2012 and the Shellfish Commission's May 9, 2012 Meeting Minutes.

Early June, 2012: A copy of CT DEEP Permit Consultation Form regarding a pre-submission application by Peter Dinardo Enterprises to conduct work to maintain a bulkhead at 1896 Fairfield Beach Road, Fairfield, CT. (This Consultation Form was followed by an e-mail of a Notice of Permit Application which appeared in the CT Post on June 2, 2012.) The project location is out of the HMC's jurisdiction.  
 June 18, 2012: A copy of a permit issued by DEEP/OLISP to Mark Finneran to conduct regulated activities at 2150 Fairfield Beach Rd., Fairfield. This project location is out of the HMC's jurisdiction.

### III. OLD BUSINESS:

**Lower Wharf Report:** Chairman von Conta reported that Roberge Associates Coastal Engineers (RACE) has prepared a proposed scope of work for their services to prepare the technical specifications for each element of the HMC's Lower Wharf improvement project, including: improvement of the boat launching ramp; dredging; construction of a community sailing float; repair of the Lower Wharf seawall; and repair of the Lower Wharf pier. These technical specifications will be included in the bid documents issued by the Town for the project. This matter was discussed by the HMC during the HMC's May 15, 2012 meeting at which time the HMC authorized RACE to prepare a proposed scope of work with the understanding that RACE would prepare the technical specifications for a fee not to exceed \$15,000. Chairman von Conta reported that the proposed scope of work as submitted includes a fee proposal of \$13,800. Following discussion, James Harman *moved*, and Nelson North *seconded* to accept the proposed scope of work by RACE with the fee proposal as submitted. *Motion passed unanimously.*

Chairman von Conta reported on the HMC's efforts to coordinate with the Parks and Recreation Department and Police Department to ensure that public use of the Town Boat Yard and Lower Wharf are properly monitored during the current boating season and that the rules and regulations for parking and other activities are properly enforced. Vice Chairman North reviewed a draft of correspondence to be sent from the HMC to the Fairfield Police Department requesting that a "uniformed presence" be established at the Town Boat Yard to monitor uses and inform visitors of regulations for parking and other uses. Mr. Schueler asked what authority this "uniformed presence" would have and Harbor Master Carroll said that they can inform people of the parking and other regulations and that they will call the Police Department for any enforcement that may be needed. Chairman von Conta said that she and Vice Chairman North will continue to work on this correspondence and pursue this matter to ensure best management of the Town Boat Yard. Chairman von Conta also said she has discussed this matter with First Selectman Tetreau who reminded her that there are Town budget constraints that will have to be considered when assigning Town personnel to the Town Boat Yard.

Chairman von Conta also reported that since the last HMC meeting, a sign was placed at the Lower Wharf announcing that no dogs are allowed on the property. She said that she discussed this matter with the Public Works Department and that the sign has since been removed. Management of the Lower Wharf is the responsibility of the HMC and to date the HMC has established no regulations concerning dogs on the property. The HMC will give consideration to establishing specific rules and regulations for use of the property in the course of implementing the Lower Wharf Improvement Project.

Chairman von Conta reported that a senior citizen recently tripped and fell over the chain that blocks vehicle access to the Lower Wharf from Harbor Road. She said she has discussed this matter with Mr. Russell of the Sasquanaug Association to see if the Association might be agreeable to another means of restricting vehicle access to the property. Mr. Russell said he recognized the potential problem caused by

the chain; that the Association wished to consider some other options that would be consistent with Historic District requirements; and that he would work with the HMC to address this issue.

**Mooring Report:** Norman Marsilius reported that the Mooring Committee recently met and considered: 1) the effectiveness of storm preparedness measures with respect to Tropical Storm Irene; 2) the role of the Fairfield Police Department for enforcement of boating regulations, including mooring and boat registration requirements, in the Harbor; 3) the mooring layout drawings prepared for the HMC by RACE; and 4) the letter and form recently sent to the owners of all docks in the Harbor requesting information on the vessels to be tied to those docks, including proof of insurance and registration. Officer Carroll of the Fairfield Police Department attended the Mooring Committee meeting and provided committee members with a tour of the Police Department's new emergency services vessel.

Harbor Master Carroll reported that: 1) four vacant mooring locations have now been assigned to persons previously on the mooring waiting list; 2) letters and forms signed by the HMC Chairman and Harbor Master have been sent to the owners of all docks in the Harbor requesting information on the vessels to be tied to those docks, including proof of insurance and registration; 3) the Blessing of the Fleet and Southport Street Parade were well-attended and apparently enjoyed by all, and that Grand Marshal Galpin may have been the first person to participate in both the street parade and then join the Blessing of the Fleet in his vessel; 4) the U.S. Army Corps of Engineers recently inspected the Harbor jetty with assistance from Pequot Yacht Club (PYC) Manager Engborg; and 5) a firm has been awarded a contract by the Coast Guard to repair the Outer Beacon and that a meeting will be convened with the contractor, Harbor Master, and representatives of the Public Works Department to discuss the project, including the contractor's request for access to the Harbor through the boat launching ramp at the Town Boat Yard. Harbor Master Carroll also reported that a family of ospreys has nested in the outer beacon and it is unclear how this may affect the planned repair work.

**Sand Management Plan:** Mr. Steadman reported that RACE continues to develop plans for this project at the direction of the HMC and has recently discussed, with the CT Department of Energy and Environmental Protection Office of Long Island Sound Programs (DEEP OLISP), the possibility of applying to the DEEP OLISP for: 1) a Certificate of Permission (COP) to dredge sediment from the Harbor channel and place that sediment in a designated disposal area in Long Island Sound; and 2) a COP or permit to excavate sand from the vicinity of the jetty and place that sand on beaches in the Town. RACE has reported to Mr. Steadman that the DEEP OLISP is agreeable to considering this approach and that RACE will now provide a more detailed description of the proposed approach to the DEP OLISP.

#### **IV. NEW BUSINESS:**

The HMC considered the proposed "Remedial Action Plan for Lead Impacted River Sediments" in the Mill River prepared by the Exide Group, Incorporated (EGI). Representing EGI before the HMC were: John Fallon, Attorney; Steve Kellogg and Richard Chandler from the engineering firm CCA, LLC; and Ken Money, EGI.

Mr. Fallon reviewed the process now being followed to obtain approval from the DEEP to conduct the proposed remediation work. Public meetings were held in Fairfield on January 12 and January 19, 2012 to present information regarding the project. Representatives of the HMC attended the January 19

meeting. Since that time EGI has been working to finalize their plans and submit the necessary applications to the DEEP for approval. Mr. Steadman said it was his understanding that three approvals are needed from the DEEP for the project: 1) a General Permit from the DEEP OLISP for the dredging of contaminated sediments from the River, including an area of Southport Harbor downstream of the Tide Mill Dam; 2) approval from the DEEP of the Remedial Action Plan; and 3) a water quality permit from the DEEP for the discharge of water back into the River from the dredged sediments which will be de-watered at the former Exide Battery site on the Post Road before the sediments will be trucked to an appropriate upland disposal site. Mr. Steadman also said that the DEEP will convene a public informational meeting to provide information on all of the applications submitted by EGI before any approvals are issued. Mr. Fallon said that EGI will be submitting the required application materials to the DEEP in the near future. Mr. Fallon also said that approvals from the Fairfield Inland Wetlands Commission and Town Plan and Zoning Commission are not needed for the proposed project.

Mr. Steadman said it is the responsibility of the HMC, set forth in the Connecticut Statutes and Town Code, to review all proposals affecting the Harbor and to determine the consistency of those proposals with the Southport Harbor Management Plan.

Chairman von Conta said that issues the HMC is likely to be concerned about are the effect of the proposed project on water quality in the Harbor, marine resources in the Harbor, normal operation of the Harbor for navigation and other water uses, and the quality of life in neighborhoods near the Harbor.

A lengthy presentation and discussion then ensued concerning the methods to be used to: 1) hydraulically dredge the lead-contaminated sediment from specific areas of the river and Harbor; 2) pump the dredged material to the former Exide Battery site; 3) de-water the material; and 4) truck the material to an appropriate upland disposal site.

Project engineers said that they will be required to remove 99.99% of the lead from the contaminated sediments in order to meet DEEP standards. Material pumped to the de-watering site will be placed in "geo-tubes" from which the material will de-water. Conditioning chemicals called polymers will be added to the geo-tubes to facilitate the separation of water from solids from the geo-tubes. The DEEP has required EGI to test the effect of the polymers on the environmental quality of the Harbor and EGI reports that there will be no significant adverse impact.

The project is likely to require two dredging seasons to complete. EGI will not be allowed to dredge throughout the entire year. Dredging is not permitted during certain times of the year in order to protect spawning and migrating fisheries.

EGI will have to test the sediments after each dredging in each designated area to ensure that the remediation standards have been met and that it will not be necessary to return to the same area. Soluble lead and turbidity will be monitored during each ongoing dredging operation. Turbidity curtains will be placed around each area being dredged to avoid turbidity moving downstream.

The entire project will involve the removal of about 27,000 cubic yards of sediment of which about 1,100 cubic yards or four percent of the total will be removed from the Harbor.

Mr. Marsilius asked if equipment will be left in place between dredging seasons and was told that the equipment would be stored at the former Exide Battery site.

Mr. Baker asked how the dredge will access the dredging sites and was told that it will be lowered by crane from I-95 and the Post Road and that divers will be used to vacuum sediment from the Harbor locations.

Currently, pending receipt of the requested approvals, EGI is conducting work on the former Exide Battery site in preparation for the planned project.

Mr. Zygmant asked if consideration was given to alewife migration and was told that the project will be staged by order of the DEEP to avoid interference with that migration.

Mr. Steadman asked if the dredged areas will be filled with sediment to restore the existing bottom contours and was told that such restoration is not part of the project and is not called for by the DEEP.

Mr. Smith asked about the noise that would be generated by the operations and was told there will be minimal noise and in compliance with any existing restrictions on noise generation and that the hours of operation will be limited.

Mr. Steadman asked about the number of truck trips that would be required to transport 27,000 cubic yards of material and was told that it would probably be more than 2,000 truck trips on the Post Road but that a similarly large number of truck trips were previously required to remove contaminated material from the former Exide Battery site and those trips were managed without significant adverse impacts. Mr. Fallon said that a traffic study or Town Plan and Zoning Commission approval is not needed for this aspect of the operation.

Mr. Steadman asked if any consideration is being given to coordinating the proposed project with the anticipated remediation work by Superior Plating to remove chromium from the river and was told that it is currently not known when Superior Plating may be required to remediate chromium-impacted sediment and that if EGI waits for that work to be undertaken it may be another 10 years before the lead pollution is removed from the river.

EGI representatives were asked by HMC members about the current effect of the lead pollution on the river and whether or not lead has been detected in shellfish and other marine life. EGI representatives said that the Mill River is on the state list of impaired water bodies and as a result it is the responsibility of the DEEP to achieve removal of lead and other pollutants as necessary to return the river to an unimpaired condition.

Questions from the public then ensued.

Mr. Russell asked when it may be expected that the former Exide Battery site may be available for redevelopment and was told that the property will not be available for several years. Mr. Fallon said that the property is currently zoned for industrial use and since industrial use is not anticipated, a change of zoning will be necessary. He said that the site should be marketable at the end of the two-year remediation project.

Mr. Thornton said he was concerned about the “divots” that will be left in the river bottom following the sediment removal. EGI representatives said that natural sedimentation should fill these in in due course and that the DEEP is not requiring re-establishment of the bottom contours.

Mr. Wakeman said it was his understanding that the last time EGI attempted to remove lead-contaminated sediments from the river that the silt curtains did not work as well as planned and was told that this operation took place 29 years ago and that the method of anchoring the curtains and the curtain material is better now than it was before.

The HMC then discussed its next steps in the review of EGI’s plans and it was agreed that no action on the part of the HMC is necessary at this time as no applications have been submitted. In addition, it was the sense of the HMC that no action should be taken by the HMC until after the anticipated public informational meeting at which time additional information and issues concerning the proposed project may be known. It was the sense of the HMC to table any further discussion of the proposal until such time as EGI submits the required application materials to the DEEP and to ask EGI to submit those materials to the HMC at such time as they are submitted to the DEEP. The members of the HMC thanked the EGI representatives for their presentation to the HMC and for addressing the HMC’s questions.

**V. PUBLIC COMMENT:** No additional comments noted.

**VI. ADJOURNMENT:**

There being no further business to come before the HMC, James Harman *moved*, and Louis Schueler *seconded* to adjourn at 6:45 p.m. *Motion passed unanimously.*

Respectfully submitted,  
Geoffrey Steadman for Betty Gabriel